

## **DEVELOPMENT MANAGEMENT COMMITTEE**

### **Minutes of the Meeting held**

Wednesday, 4th July, 2018, 2.00 pm

**Councillors:** Sally Davis (Chair), Rob Appleyard, Tim Ball (in place of Caroline Roberts), Jasper Becker, Paul Crossley, Matthew Davies, Eleanor Jackson, Les Kew and David Veale

#### **12 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

#### **13 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required on this occasion.

#### **14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Caroline Roberts (substitute Councillor Tim Ball).

#### **15 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **16 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

#### **17 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

#### **18 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There were no items from Councillors or Co-Opted Members.

#### **19 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 6 June 2018 were confirmed and signed as a correct record.

20 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on items 1, 2 and 8 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

**RESOLVED** that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

**Item No. 1**

**Application No. 18/01851/FUL**

**Site Location: Monkton Combe School Farm, Brassknocker Hill, Monkton Combe, Bath – Proposed erection of 2 dwellings following demolition of redundant agricultural buildings; alteration to existing dwelling and associated access and comprehensive landscaping**

The Case Officer reported on the application and her recommendation for refusal. She informed members of an additional reason for refusal as follows:

“The proposed development will result in a change in character of the local area by the removal of the existing agricultural buildings and domestic encroachment in the existing rural landscape. The proposed development will fail to conserve or enhance the character of the surrounding Area of Outstanding Natural Beauty. The proposed development is therefore contrary to policy NE.2 of the Bath & North East Somerset Placemaking Plan and contrary to Part 11 of the National Planning Policy Framework.”

The Chair of Monkton Combe Parish Council spoke regarding the application.

A representative of local residents spoke against the application.

The agent and applicant spoke in favour of the application.

Cllr Neil Butters, local ward member, spoke regarding the application. He mentioned that fewer than half of the Parish Council members attended the meeting which considered this application. He felt that the application had some merit. He noted that the main issue for consideration was whether the very special circumstances had been met to warrant development in the Green Belt.

The Case Officer responded to questions as follows:

- The proposal would result in a change of character to the Green Belt and would fail to enhance or conserve the area. It would be contrary to policy.

- The materials used would be a combination of timber cladding and Bath rubble stone.
- The definition of a barn conversion would require a barn building to be capable of development without reconstruction. This application had not been assessed under the policy to bring agricultural buildings back into use.
- Any future applications to develop derelict farm buildings would be dealt with on a case by case basis.

Cllr Jackson moved the officer recommendation to refuse the application stating that she felt development in this location was not appropriate. The site currently had open views of the countryside and any development would lead to more solid structures being in place.

Cllr Appleyard seconded the motion stating that he felt the proposal was contrary to policy. The site consisted of agricultural land and this development was not for agricultural use. He felt that if the application were to be approved it would set a precedent for further developments in similar locations.

Cllr Crossley noted that the location was clearly within the border of a hamlet and that the plans showed an interesting concept. He stated that there was currently an excellent view from above the site but that the barn buildings were currently derelict. He felt that exceptional reasons to permit the development could be found.

Cllr Kew pointed out that the nature of farming has changed and that most smallholdings were no longer viable. He felt that this type of site should be developed.

Cllr Jackson stated that the viability of smallholdings could change in the future and queried whether there was a neighbourhood plan which specified whether or not there was a need for housing in the area.

Cllr Appleyard pointed out that there was a mechanism to change the policy if required as the housing development boundary could be amended. This type of development should be addressed in a controlled manner.

The Legal Advisor explained to the Committee that there is no specific definition of a farm or curtilage. Just because a property had the word “farm” in its address did not necessarily make it a farm. The use can change over time and the definition would depend on the facts of each particular case.

The Team Manager, Planning and Enforcement, informed the Committee that it was for the applicant to provide details of the special circumstances for development in the Green Belt and not the Council. Officers did not believe that the reasons put forward by the applicant were sufficient to warrant such development. He also explained that no evidence had been submitted to show that the farmstead was not viable. He stated that if the application were refused the Green Belt would remain open and it would prevent encroachment into the countryside. He was not aware of how many similar derelict buildings there were within the B&NES area but explained that each application should be considered on its own merits.

The motion was put to the vote and it was RESOLVED by 5 votes in favour and 4

against to REFUSE the application for the reasons set out in the report and the additional reason put forward by the Case Officer at the meeting.

**Item No. 2**

**Application No. 18/00356/FUL**

**Site Location: Curbar Edge, 2 Rowlands Close, Bathford, Bath, BA1 7TZ – Roof change to create habitable space with 4 bedrooms incorporating rear dormer structure, front single storey extension and landscaping including engineering works to the rear garden**

The Case Officer reported on the application and her recommendation to permit.

The applicant spoke in favour of the application.

A local resident spoke against the application.

Cllr Martin Veal, local ward member, spoke against the application. He stated that all three local ward members opposed the proposal which was not in keeping with the area. He pointed out that trees and ponds had been removed from the site before the application had been approved. He stated that this was a major flight area for bats and that an ecology report was required.

In response to a question the Case Officer confirmed that the increase in height would be 1.5m. She also confirmed that none of the trees that had been removed were protected and that some work had commenced on site. She explained that the ecologist had raised no objection to the application.

The Team Manager, Planning and Enforcement, pointed out that the update report set out an additional condition requiring that no development shall take place until full details of a Wildlife Protection and Enhancement Scheme produced by a suitably qualified ecologist have been submitted to and approved in writing by the local planning authority. He advised that the trigger for the condition should be amended to “within 6 weeks” as the development had already commenced. He also pointed out that a stop notice would be a separate enforcement issue that could not be considered by the Committee at this meeting.

Cllr Kew moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Appleyard who noted the concerns expressed by neighbours.

The motion was put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending a site visit.

**Item No. 3**

**Application No. 18/01187/FUL**

**Site Location: 7 Uplands Drive, Saltford, BS31 3JH – Erection of new dwelling following demolition of existing dwelling**

The Case Officer reported on the application and her recommendation to permit.

The applicant spoke in favour of the application.

Cllr Crossley pointed out that the reason for referral to Committee was that an objection had been received from Saltford Parish Council contrary to officer recommendation rather than Keynsham Town Council as stated in the first paragraph of the report.

Cllr Kew moved the officer recommendation to permit the application. This was seconded by Cllr Matthew Davies.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the application subject to the conditions set out in the report.

**Item No. 4**

**Application No. 18/01669/FUL**

**Site Location: 42 Gainsborough Road, Keynsham, BS31 1LS – Erection of 1 self-contained house adjacent to existing property**

This application was withdrawn from the agenda.

**Item No. 5**

**Application No. 18/01696/FUL**

**Site Location: 60 Cranwells Park, Lower Weston, Bath, BA1 2YE – Erection of a two storey side extension (Resubmission)**

The Case Officer reported on the application and the recommendation for refusal. A correction to paragraph one of the report was pointed out. It should read that Cllr Barrett had requested that the application be referred to Committee if the officer is minded to permit. She also read out an amendment to the reason for refusal.

The agent spoke in favour of the application.

Cllr Crossley noted that planning permission had previously been approved for an extension and queried whether this would be revoked if the Committee decided to permit the current application. The Team Manager, Planning and Enforcement, confirmed that the two permissions occupied the same location so the applicant would either carry out one or the other but not both.

Cllr Kew felt that this was an interesting application and felt that the proposal was an improvement on the previous design. He moved that the Committee delegate to permit the application subject to conditions which should include the provision of obscure glazing on ground floor windows and the bathroom window being fixed shut. This was seconded by Cllr Appleyard who felt that the proposed extension would blend in well with the existing property.

Cllr Kew gave the following reasons for his proposal to overturn the officer recommendation:

- The improved design which meant that the proposed extension was a more harmonious addition to the existing building.
- The resulting improvement to the overall street scene.
- He did not feel that the extension would have an adverse impact on the residential amenity of the area.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 1 against to DELEGATE TO PERMIT the application subject to conditions.

**Item No. 6**

**Application No. 18/01448/REM**

**Site Location: Arundel, Church Lane, Bishop Sutton – Removal of condition 2 of application 17/01983/FUL (Erection of single storey side and rear extensions, front dormer window and internal reconfiguration works to existing dwelling)**

The Case Officer reported on the application and her recommendation to permit.

The Chair of Stowey Sutton Parish Council spoke against the application.

The applicant spoke in favour of the application.

The Team Manager, Planning and Enforcement explained that the permitted development rights on this property had been removed to ensure that any future changes to the dwelling could be overseen by the Council. However, since this decision a recent appeal had come to the attention of the Council which stated that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Councillor Kew felt that it was unfair to remove the permitted development rights for this property if others in the area retained these rights.

Councillor Jackson queried whether the Council would be likely to lose an appeal if the rights were not reinstated. The Team Manager, Planning and Enforcement, stated that this was difficult to ascertain, a case could be put forward and it would depend on the Inspector's judgement on this matter.

Cllr Kew moved the officer recommendation to permit the application. This was seconded by Cllr Appleyard.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the application subject to conditions.

**Item No. 7**

**Application No. 18/01483/FUL**

**Site Location: Chapel Cottage, Clarendon Road, Widcombe, Bath – Change of use from 3 bed residential (C3) to 3 bed house of multiple occupation (C4)**

The Case Officer reported on the application and his recommendation to permit.

A local resident spoke against the application.

The applicant spoke in favour of the application.

Councillor Becker, local ward member, recognised that a number of local residents had objected to the proposal for an HMO but felt that on balance he could not challenge the officer recommendation.

Councillor Jackson understood the concerns of neighbours but noted that the application complied with the Council policy relating to HMOs. She moved the officer recommendation to permit. This was seconded by Cllr Kew.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 3 against to PERMIT the application subject to the conditions set out in the report.

**Item No. 8**

**Application No. 18/01379/FUL**

**Site Location: 19 Rockliffe Road, Bathwick, Bath, BA2 6QN – Erection of single storey extension to rear and side of property, insertion of conservation rooflights in plane of roof to rear and side of property. (Revised proposal)**

The Case Officer reported on the application and his recommendation to permit. He explained that this was a revised scheme put forward following enforcement complaints. He informed the Committee that two further objections had been received from a neighbour and from the Bathwick Estates Residents' Association following the publication of the report. No new issues had been raised by these objections. An amendment to the height of the party wall had been made to address the concerns of a neighbour.

A neighbour spoke against the application and Cllr Samuel, local ward member, spoke on behalf of a neighbour against the application.

The applicant spoke in favour of the application.

Cllr Samuel, local ward member, spoke against the application. He stated that the original approval of this application had conditions attached to it. There had subsequently been complaints raised regarding a change in window openings, the blockwork not being Bath stone and the difficulty that would be encountered in rendering the blockwork. The development would cause a loss of amenity to the neighbouring properties. He felt that allowing the development to continue would set a precedent and stressed the need for the public to have confidence in the planning system.

Cllr Matthew Davies queried whether the original application was for Bath stone. Cllr Kew queried how the wall could be rendered using a Bath stone mix.

The Team Manager, Planning and Enforcement, explained that the method for the application of render was not a material consideration. If the applicant found subsequently that this was not possible then it would become a breach of condition.

Cllr Appleyard pointed out that if the applicant had carried out the development in line with the original planning permission then there would be no need for further discussion about render. He felt that little consideration had been given to the amenity of the neighbouring properties.

The Team Manager, Planning and Enforcement, explained that although this was a retrospective application it should still be considered on its merits as other options for the development could be acceptable.

Cllr Appleyard did not support the application and felt that it represented overdevelopment, and would have an adverse effect on the amenity of neighbouring properties.

Cllr Matthew Davies moved that the Committee delegate to refuse the application contrary to the officer recommendation on the grounds of inappropriate materials.

Cllr Crossley seconded the motion stating that he felt the development would be overbearing and dominant and would result in a loss of amenity to neighbouring properties.

The Team Manager, Planning and Enforcement, informed the Committee that approval had already been given for the physical structure and design meaning that loss of amenity would be difficult to argue at an appeal. He also pointed out that the use of render on the rear of properties was very common in the Bath area.

Cllr Ball felt that the materials being proposed would not be acceptable and that he felt that Bath stone should be used.

Cllr Becker pointed out that the structure remained the same as the original application and that neighbours objected to the whole development.

Cllr Kew stated that conditions should be enforced.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 2 against to DELEGATE TO REFUSE the application on the grounds of inappropriate materials.

**21 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee considered the appeals report.

RESOLVED to NOTE the report.

The meeting ended at 4.50 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services